

Furthermore, the Court finds that Plaintiffs’ appeal is not taken in good faith. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. Id.; Coppedge v. United States, 369 U.S. 438, 82 S.Ct. 917, 8 L.Ed.2d 21 (1962). Good faith is judged by an objective standard. Coppedge, 369 U.S. at 445, 82 S.Ct. At 921, 8 L.Ed.2d 21. A person demonstrates good faith when he seeks appellate review of any issue that is not frivolous. Id. Though the good faith test does not require a person to show that his appeal has any particular degree of merit, the person at least must demonstrate that the appeal involves legal points arguable

on their merits. Jones v. Frank, 622 F. Supp. 1119, 1120 (W.D. Tex. 1985); see also Ellis v. United States, 369 U.S. 674, 674-75; 78 S.Ct. 974, 975; 2 L.Ed.2d 1060 (1958). As the Court has already expressed in its Order granting Defendants' motion to dismiss (Doc. 35), this case is the latest in a seemingly endless series of frivolous lawsuits filed to harass or retaliate against Defendants for the foreclosure on their home. The foreclosure and foreclosure sale have been approved by a United States Bankruptcy Court, and the Bankruptcy Court's decision was affirmed on appeal.

Finally, the Court notes that this case is not ripe for appeal, as final judgment has not been entered in the case. Defendants' counterclaim for bad faith and stubborn litigiousness remains for decision.

Accordingly, the motion to proceed *in forma pauperis* (Doc. 38) is **DENIED**.

SO ORDERED, this 5th day of August, 2008.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT COURT

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